

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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SAKHU TEHUTI RA EL,

Plaintiff,

v.

STATE OF NEW JERSEY, et al.

Defendants.

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Civil No. 09-3445 (GEB)(DEA)

**OPINION AND ORDER**

Plaintiff Sakhu Tehuti Ra El (“Plaintiff”), having submitted a complaint in the above captioned matter, and it appearing that:

1. The Clerk will not file the complaint unless the person seeking relief pays the entire applicable filing fee in advance or the person applies for and is granted *in forma pauperis* status pursuant to 28 U.S.C. § 1915. *See* Local Civil R. 5.1(f).

2. The filing fee for commencing a civil action in this court is \$350.00. *See* 28 U.S.C. § 1914(a).

3. Plaintiff did not prepay \$350.00; rather, he submitted his application to proceed in this matter *in forma pauperis*, pursuant to 28 U.S.C. § 1915 (“Application”).

4. In making such an application, a plaintiff must state the facts concerning his or her poverty with some degree of particularity, definiteness or certainty. *United States ex rel. Roberts v. Pennsylvania*, 312 F. Supp. 1, 2 (E.D. Pa. 1969) (finding affiant’s application legally insufficient where the application failed to state the facts of affiant’s poverty with any degree of particularity, definiteness or certainty) (citing *United States v. Coor*, 213 F. Supp. 955, 956 (D.D.C. 1963), *rev’d*

*on other grounds*, 325 F.2d 1014 (D.C. Cir. 1963); *Jefferson v. United States*, 277 F.2d 723, 725 (9th Cir. 1960)).

5. In his Application, Plaintiff simply states that, “because of [his] financial condition” he is “unable to pay the required filing fees in this action” and that he is “unable to obtain funds from anyone, including [his] family and friends” in order to pay the filing fee. (Appl., at ¶¶ 1-2).

6. As such, Plaintiff has failed to state the facts concerning his poverty with any degree of particularity, definiteness or certainty. *See Roberts*, 312 F. Supp. at 2, *Coor*, 213 F. Supp. at 956, *Jefferson*, 277 F.2d at 725.

IT IS THEREFORE on this 15<sup>th</sup> day of July, 2009,

ORDERED that Plaintiff's application to proceed *in forma pauperis* is DENIED without prejudice; and it is further

ORDERED that Plaintiff is granted leave to file an amended application to proceed *in forma pauperis* within 20 days of the date of this Order; and it is further

ORDERED that the Clerk shall serve this Order upon Plaintiff by regular U.S. mail.

/s/ Garrett E. Brown  
GARRETT E. BROWN, JR., U.S.D.J.